

REMARKS

This application has been carefully reviewed in light of the Office Action dated September 20, 2002. Claims 1-8 are currently pending in the case. Claims 9-36 have been withdrawn from consideration. Per this Amendment, Claims 1 - 8 have been amended to more clearly point out and distinctly claim the Applicants' invention. No new matter has been added per this amendment.

Claim Rejections - 35 USC §103

The Examiner has rejected claims 1-8 under 35 USC §103 as being unpatentable over Pampers Phases, Sept 1991 (PP) in view of Tampax multipax. According to MPEP §2143.01, obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. *In re Fine*, 837 F.2d 1071 (Fed. Cir. 1988).

Applicants have amended claims 1 through 8 per this amendment to more clearly point out and distinctly claim the Applicants' invention. Independent claim 1 was amended to specifically claim an array of disposable diapers as opposed to an array of disposable absorbent articles. In addition, claims 1, 5, and 7 have been amended to point out that each disposable diaper configuration, includes a chassis designed "with specific features" to correspond to a wearer's corresponding stage of development. Further, dependent claims 2, 3, 4, 6 and 8 have been amended to claim the "specific features" corresponding to each stage of development. Support for each of these amendments is found on page 6, lines 9-25.


None of the references cited by the Examiner either alone or in combination teach or suggest the Applicants' claimed invention as amended herein. Pampers Phases pertains to a marketing process by which different size ranges of diapers were sold to correspond to a babies age which generally correlated with a baby's size. The chassis design for each of the Pampers Phases products sold is virtually the same. Pampers Phases does not teach or suggest an array of disposable diaper configurations where each disposable diaper configuration includes a chassis designed with "specific features" to correspond to the wearer's stage of development.

In addition, Tampax multipax teaches absorbent pads accommodating different absorbency needs. Unlike the array of disposable diapers claimed by the Applicants, Tampax multipax teaches absorbent pads having different functional attributes (absorbency needs). It does not teach or suggest an array of disposable diapers incorporating chassis designs configured "with specific features" to accommodate a wearer's stage of development.

Further, there is no teaching, suggestion, or motivation to combine the teachings of Pampers Phases with the teachings of Tampax multipax. Pampers phases relates to disposable diapers where as Tampax multipax relates to feminine protection articles. Nevertheless, even if such motivation existed, the end result would not teach or suggest the applicants' claimed invention. Consequently, claims 1-8 of the Applicants' invention are patentable over Pampers Phases in view of Tampax multipax.

In view of the amendments and remarks set forth above, Applicants respectfully submit that claims 1-8 are in condition for allowance. Applicants respectfully request reconsideration and allowance of claims 1-8.

Respectfully submitted,

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